

SENATE BILL 959

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5lr3414

By: **Senators Mautz, Bailey, Carozza, and Hershey**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Wetlands – Landward Boundaries**

3 FOR the purpose of requiring certain land created under a tidal wetlands license to be
4 described in a certain manner; requiring the Department of the Environment to
5 update, to a certain standard, the landward boundaries of certain wetlands following
6 the completion of improvements consisting of certain shoreline stabilization
7 measures; and generally relating to wetlands.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 16–103
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 16–201
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Environment
20 Section 16–206
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2024 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16–103.

2 (a) Except as specifically provided in this title, a riparian owner may not be
3 deprived of any right, privilege, or enjoyment of riparian ownership that the riparian owner
4 had prior to July 1, 1970.

5 (b) The provisions of this title do not transfer the title or ownership of any land
6 or interest in land.

7 **(C) ANY FAST LAND CREATED UNDER A TIDAL WETLANDS LICENSE SHALL**
8 **BE DESCRIBED BY METES AND BOUNDS.**

9 16–201.

10 (a) A person who is the owner of land bounding on navigable water is entitled to
11 any natural accretion to the person's land, to reclaim fast land lost by erosion or avulsion
12 during the person's ownership of the land to the extent of provable existing boundaries. The
13 person may make improvements into the water in front of the land to preserve that person's
14 access to the navigable water or, subject to subsection (c), protect the shore of that person
15 against erosion. After an improvement has been constructed, the improvement is the
16 property of the owner of the land to which the improvement is attached. A right covered in
17 this subtitle does not preclude the owner from developing any other use approved by the
18 Board. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972,
19 and the burden of proof that the loss occurred after this date is on the owner of the land.

20 (b) The rights of any person, as defined in this subtitle, which existed prior to July
21 1, 1973 in relation to natural accretion of land are deemed to have continued to be in
22 existence subsequent to July 1, 1973 to July 1, 1978.

23 (c) (1) Improvements to protect a person's property against erosion shall
24 consist of nonstructural shoreline stabilization measures that preserve the natural
25 environment, such as marsh creation, except:

26 (i) In areas designated by Department mapping as appropriate for
27 structural shoreline stabilization measures; and

28 (ii) In areas where the person can demonstrate to the Department's
29 satisfaction that such measures are not feasible, including areas of excessive erosion, areas
30 subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline
31 stabilization measures.

32 (2) (i) Subject to subparagraph (ii) of this paragraph, in consultation
33 with the Department of Natural Resources, the Department shall adopt regulations to
34 implement the provisions of this subsection.

35 (ii) Regulations adopted by the Department under subparagraph (i)
36 of this paragraph shall include a waiver process that exempts a person from the

requirements of paragraph (1) of this subsection on a demonstration to the Department's satisfaction that nonstructural shoreline stabilization measures are not feasible for the person's property.

16-206.

(A) (1) FOLLOWING THE COMPLETION OF ANY IMPROVEMENTS CONSISTING OF SHORELINE STABILIZATION MEASURES AUTHORIZED UNDER § 16-201(C) OF THIS SUBTITLE, THE DEPARTMENT SHALL PRECISELY UPDATE THE LANDWARD BOUNDARIES OF THE RELEVANT WETLANDS.

(2) THE LANDWARD BOUNDARIES OF THE WETLANDS SHALL BE SHOWN ON SUITABLE MAPS OR AERIAL PHOTOGRAPHS ON A SCALE OF 1 INCH TO 200 FEET.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.